EA Form R 1/2007

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Conservation Land Use, LLC
   233 Mannington Street
   Kalispell, MT 59901

2. Type of action: Groundwater Application for Beneficial Water Use Permit 76LJ 30111088

3. Water source name: Groundwater

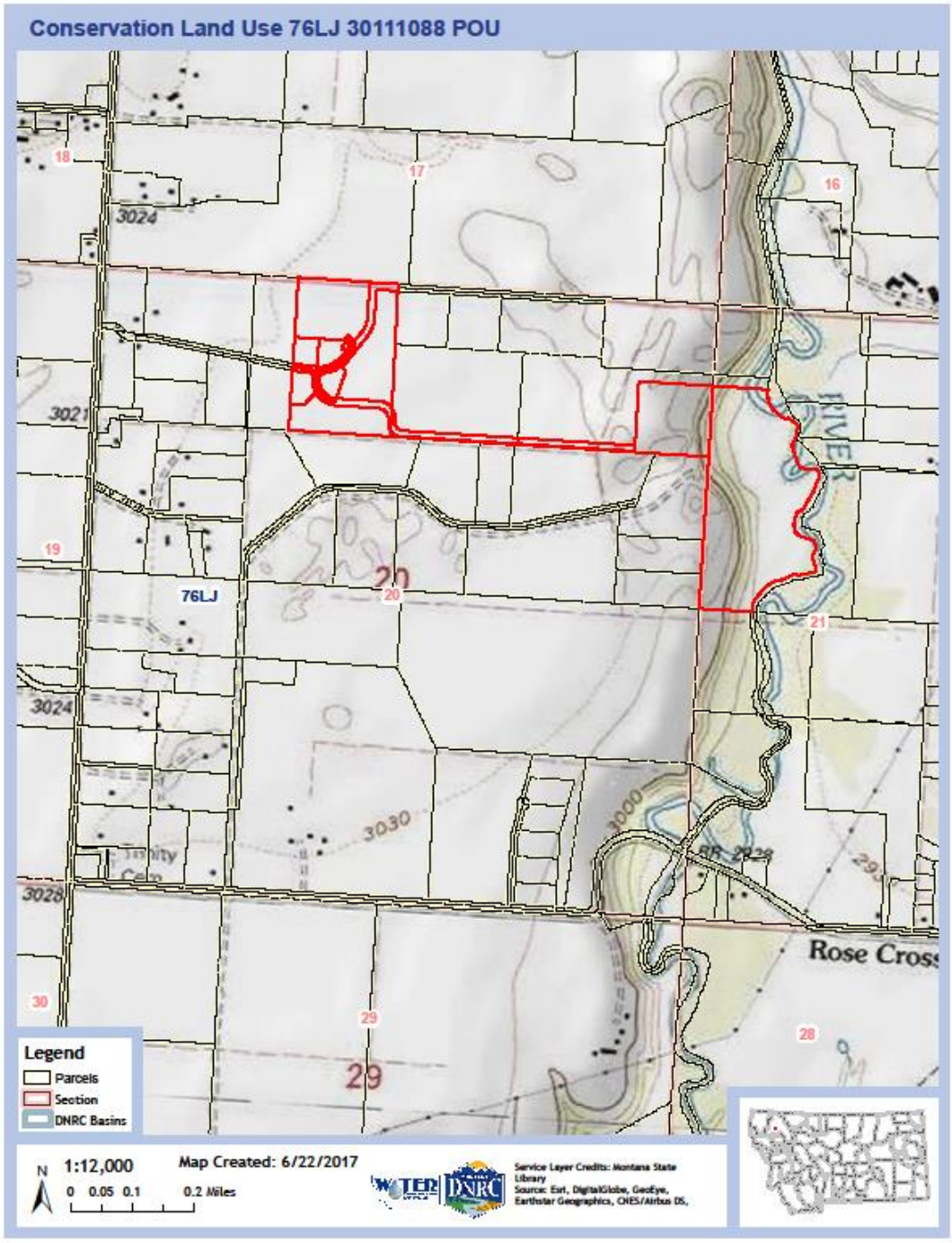
4. Location affected by project: NENW, SENENE Section 20, Township 29N, Range 21W, Flathead County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

   The proposed appropriation is from 13 groundwater wells located in the NENW (12 wells) and SENENE (1 well) Section 20, Township 29N, Range 21W, Flathead County. The proposed appropriation is 330 gallons-per-minute (GPM) up to 34 acre-feet (AF) per year for multiple domestic (21 houses) and lawn & garden irrigation (11.4 acres) use. The proposed period of use for multiple domestic use is January 1-December 31. The proposed period of use for lawn & garden irrigation use is April 15-October 15.

   The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
   Montana Department of Fish, Wildlife, & Parks (DFWP)
   Montana Department of Environmental Quality (DEQ)
   Montana Natural Heritage Program
   National Wetlands Inventory
   USDA NRCS Web Soil Survey



Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: No significant impact

The source of supply is groundwater. The surface water sources identified to be hydraulically connected to the groundwater aquifer are the Stillwater River and Flathead River. The Stillwater River and Flathead River have been assessed for dewatering but have not been identified as chronically or periodically dewatered by the Montana Department of Fish, Wildlife, & Parks

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: No significant impact

The reach of the Stillwater River and Flathead River which will be depleted by groundwater pumping of the Applicant's wells has not been assessed for any beneficial uses by DEQ. It is not anticipated that pumping of the Applicant's groundwater well will have any negative impacts on the water quality of the Flathead River or Flathead Lake.

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: No significant impact

The Applicant is proposing to divert a flow of 330 GPM up to 34 AF annually from the groundwater aquifer. A Department memo dated January 10, 2011, entitled "Legal Availability of Groundwater in the Flathead Deep Aquifer" states groundwater levels in the Deep Aquifer are effectively controlled by the Flathead River and Flathead Lake and a new groundwater use will not alter the regional gradient, and thus the aquifer flux. The Department's Depletion Report identifies that the new groundwater use will reduce discharge from the aquifer to the Stillwater River and Flathead River in the amount equivalent to the consumptive use of the proposed diversion (Approximately 9 AF per source per annum, total of 17.9 AF).

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: No significant impact

The means of diversion are wells. Since this is a groundwater appropriation, there will be no channel impacts, flow modifications, barriers, dams, or riparian impacts to the Stillwater River or Flathead River.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: No significant impact

The Montana Natural Heritage Program identified a list of 16 animal species of concern within the township and range that the project is in. Of this list, the Grizzly Bear and Bull Trout are listed as "threatened" by the US Fish & Wildlife Service. No plant species of special concern were identified by the Montana Natural Heritage Program to potentially be in the project area. This project is in a developed portion of the Flathead valley between US Hwy 93 and US Hwy 2, and it is not anticipated that any of the species of concern will be impacted by the proposed project.

Wolverine	Fisher	Grizzly Bear	Great Blue Heron
Evening Grosbeak	Pileated Woodpecker	Common Loon	Cassin's Finch
Clark's Nutcracker	Flammulated Owl	Western Toad	Coeur d'Alene Salamander
Torrent Sculpin	Westslope Cutthroat Trout	Columbia River Redband Trout	Bull Trout

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: No significant impact

The project area where water use will occur has already been approved for preliminary plat as a subdivision and previously developed as an agricultural field. A review of the National Wetlands Inventory does identify wetlands within the project area, however all but one are located within the portion of the project area that is under a conservation easement and not listed as a buildable location in the Preliminary Plat.

Ponds *- For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: No significant impact

There were no natural ponds identified within the project area.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE *- Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: No significant impact

This proposed beneficial uses of this application are multiple domestic and lawn & garden irrigation uses. It is not anticipated that any of these uses will have an impact on the soil quality, stability, or moisture content. The soils in the project area are Tally, Blanchard, and Flathead soils.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: No significant impact

It is not anticipated that issuance of a water use permit will contribute to the spread of noxious weeds in the project area. Noxious weed prevention will be the responsibility of the individual landowners. Previous development likely has changed the composition of the flora within the area. Lawn & garden irrigation will benefit the existing vegetative cover.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: No significant impact

There will be no impacts to air quality associated with issuance of a water use permit.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: N/A- Project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No other potential impacts have been identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No known environmental plans or goals will be impacted by this project.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No access or recreational activities will be significantly impacted by this project.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: This proposed project will have no significant impact on human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No_**X**_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: No regulatory impacts are known.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) Cultural uniqueness and diversity? No significant impacts identified

(*b) Local and state tax base and tax revenues?* No significant impacts identified

(c) Existing land uses? No significant impacts identified

(*d) Quantity and distribution of employment?* No significant impacts identified

(e) Distribution and density of population and housing? No significant impacts identified

(f) Demands for government services? No significant impacts identified

(g) Industrial and commercial activity? No significant impacts identified

(h) Utilities? No significant impacts identified

(i) Transportation? No significant impacts identified

(j) Safety? No significant impacts identified

(k) Other appropriate social and economic circumstances? No significant impacts identified

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts No significant impacts identified

Cumulative Impacts No significant impacts identified

3. ***Describe any mitigation/stipulation measures:*** None

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:***

The only alternative to the proposed action would be the no action alternative. The no action alternative would not allow the Applicant to divert water for multiple domestic use in 21 homes and irrigate 11.4 acres of lawn & garden over 21 lots.

PART III. Conclusion

1. Preferred Alternative

Issue a water use permit if the Applicant proves the criteria in 85-2-311 MCA are met.

2 Comments and Responses

None

3. ***Finding:***

*Yes___ No_**X**_ Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

No significant impacts related to the proposed project have been identified.

Name of person(s) responsible for preparation of EA:

Name: Nathaniel T. Ward
Title: Water Resource Specialist
Date: June 23, 2017